

JACKSON LEWIS P.C.

Joshua A. Sliker (Nevada Bar No. 12493)

Joshua.Sliker@jacksonlewis.com

300 S. Fourth Street, Suite 900

Las Vegas, NV 89101

Telephone: (702) 921-2460

Facsimile: (702) 921-2461

CHARIS LEX P.C.

Sean P. Gates (*admitted pro hac vice*)

sgates@charislex.com

Douglas J. Beteta (*admitted pro hac vice*)

dbeteta@charislex.com

301 N. Lake Ave., Suite 1100, Pasadena, CA 91101

Telephone: (626) 508-1717

Facsimile: (626) 508-1730

Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,
Plaintiff,

vs.

MARTIN TRIPP, an individual,
Defendant.

AND RELATED COUNTERCLAIMS

Case No. 3:18-cv-00296-LRH-CLB

**DECLARATION OF DOUGLAS J.
BETETA IN SUPPORT OF
TESLA'S OPPOSITION TO
TRIPP'S MOTION TO COMPEL
DEPOSITION OF NON-PARTY
ELON MUSK**

1 I, Douglas J. Beteta, declare as follows:

2 1. I am Counsel at Charis Lex P.C., counsel of record for Plaintiff and Counter-
3 Defendant Tesla, Inc. I have personal knowledge of the facts set forth herein. If called as a witness,
4 I could and would competently testify to the matters stated herein. I make this declaration in
5 support of Tesla's Opposition to Plaintiff Martin Tripp's Motion to Compel Deposition of Elon
6 Musk.

7 2. Fact discovery in this matter closed on September 9, 2019. From August 30, 2019
8 until September 23, 2019, Tripp produced over 1,000 pages of documents, the majority of which
9 are not relevant to any material issue in this case. Instead, the materials appear aimed at Elon Musk.
10 These materials, and others produced earlier by Tripp, include:

11 a. News articles and other documents concerning litigation involving Tesla,
12 including lawsuits concerning Tesla's Autopilot feature, accidents involving Tesla vehicles,
13 and Tesla solar panels.

14 b. Extensive press about Tesla and Musk, for example: detailed articles about
15 Musk and his managerial style and articles about Tesla's business operations.

16 c. An over 400-page spreadsheet that appears to contain every tweet sent by
17 Musk between September 2018 and September 2019.

18 d. 180 pages of screenshots of irrelevant tweets concerning Musk and Tesla
19 including Musk's responses to reporting about Tesla and responses to Musk's tweets, Musk
20 tweets concerning short sellers, and Musk tweets regarding Tesla's solar modules.

21 e. Documents from four entirely unrelated lawsuits, such as a ten-year old
22 complaint filed by a former Tesla executive, a discovery order from a case involving a
23 person who trespassed on Tesla property and injured a Tesla security guard, and pleadings
24 from an SEC complaint.

25 3. In response to Tripp's document requests, Tesla has produced all non-privileged
26 documents in its custody, possession, or control that discuss the threat to the Gigafactory received
27 by Tesla on or about June 20, 2018.

28 4. During discovery, Tripp deposed individuals who were involved in receiving the

1 June 20 threat to the Gigafactory or in Tesla's response thereto, including Shamara Bell, Nicholas
2 Gicinto, Jacob Nocon, and Sean Gouthro. Tripp did not depose and did not attempt to depose Jeff
3 Jones, Kristin Krerowicz, or other individuals who were involved with receiving or responding to
4 the threat.

5 5. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the
6 deposition of Nicholas Gicinto.

7 6. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the
8 deposition of Jacob Nocon.

9 7. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the
10 transcript of an interview of Martin Tripp taken on June 14, 2018.

11 8. Attached hereto as Exhibit 4 is a true and correct copy of a screen shot of a text
12 message produced by Tesla with bates number TES-TRIPP_0021837.

13 9. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from an interview
14 of James Uelmen taken on June 25, 2018.

15 10. Attached hereto as Exhibit 6 is a true and correct copy of an internal Tesla email
16 produced by Tesla with bates number TES-TRIPP_0003390.

17 11. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the
18 deposition of Shamara Bell.

19 12. Attached hereto as Exhibit 8 is a true and correct copy of a meet and confer letter
20 sent by Tripp's counsel on or about September 23, 2019.

21 13. Attached hereto as Exhibit 9 is a true and correct copy of an internal Tesla email
22 produced by Tesla with bates number TES-TRIPP_0003386.

23 14. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the
24 deposition of Martin Tripp.

25 15. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the
26 deposition of David Arnold.

27 16. Attached hereto as Exhibit 12 is a true and correct copy of an internal Tesla email
28 produced by Tesla with bates number TES-TRIPP_0010445.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct. Executed on November 20, 2019, at Pasadena, California.

Douglas J. Beteta

INDEX OF EXHIBITS

Exhibit 1	Excerpts from Aug. 27, 2019 Deposition of Nicholas Gicinto
Exhibit 2	Excerpts from May 17, 2019 Deposition of Jacob Nocon
Exhibit 3	Excerpts from Transcript of June 14, 2018 Interview of Martin Tripp
Exhibit 4	Screenshot of Text Message (TES-TRIPP_0021837)
Exhibit 5	Excerpts from Transcript of June 25, 2018 Interview of James Uelmen
Exhibit 6	June 21, 2018 Email (TES-TRIPP_0003390)
Exhibit 7	Excerpts from Sept. 6, 2019 Deposition of Shamara Bell
Exhibit 8	September 23, 2019 Meet and Confer Correspondence
Exhibit 9	June 20, 2018 Email (TES-TRIPP_0003386)
Exhibit 10	Excerpts from September 4, 2019 Deposition of Martin Tripp
Exhibit 11	Excerpts from June 6, 2019 Deposition of David Arnold
Exhibit 12	June 20, 2018 Email (TES-TRIPP_0010445)
Exhibit 13	June 20, 2018 Email (TES-TRIPP_0010122)
Exhibit 14	Excerpts from June 5, 2019 Sarah O'Brien Deposition Excerpts